

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER WALTERS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:24-26
)	Judge Nora Barry Fischer
)	Magistrate Judge Kezia O. L. Taylor
BRYAN DIEHL, PATTON BORROW)	
POLICE, and PATTON BORROWN EMT,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 23rd day of December, 2024, upon consideration of the Report and Recommendation of United States Magistrate Judge Kezia O. L. Taylor dated October 30, 2024, (Docket No. 42), recommending that Plaintiff Christopher Walters' Complaint be dismissed, with prejudice, for failure to prosecute and failure to comply with Court Orders, after conducting a detailed analysis of all of the relevant factors under *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), and ordering that any objections be filed within 14 days such that objections were due from non-ECF users like Plaintiff by November 18, 2024, and no objections having been filed by the date of this Order, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation of October 30, 2024, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Complaint (Docket No. 3) is DISMISSED, with prejudice, for failure to prosecute, in light of the facts and circumstances of this case and the relevant factors under *Poulis* set forth by the Magistrate Judge, including, among other things, that Plaintiff has failed to respond to the Court's Show Cause Order of September 26, 2024 directing him to show cause why the action should not be dismissed due to his failure to provide an updated address upon his release from custody, and such facts are further buttressed by

Plaintiff's failure to file objections to the Report and Recommendation of November 18, 2024 by the established deadline nor through the date of this Order;

IT IS FURTHER ORDERED that the pending Motions to Dismiss (Docket Nos. 11, 13) and Motion for Preliminary Injunction (Docket No. 24) are DENIED, as moot;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Kezia O. L. Taylor

All counsel of record.

cc: Christopher Walters
23-00359
Cambria County Prison
425 Manor Drive
Ebensburg, PA 15931
(via first class mail)